

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1158 be amended to read as follows:

- 1 Page 2, between lines 11 and 12, begin a new paragraph and insert:
2 "SECTION 2. IC 33-34-1-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A hearing must be
4 conducted to obtain evidence, opinions, advice, and suggestions from
5 public officials and the general public concerning:
6 (1) whether a small claims court ~~division~~ should be established
7 or abolished in the township, if the township has a population of
8 less than fifteen thousand (15,000) persons;
9 (2) whether the small claims court ~~division~~ should be full time or
10 part time;
11 (3) the location of the small claims court ~~division~~ courtroom and
12 offices; and
13 (4) other relevant matters.
14 SECTION 3. IC 33-34-1-9 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. Not more than two
16 (2) weeks after a hearing is conducted under section 7 of this chapter,
17 the township board shall, after considering the evidence, opinions,
18 advice, and suggestions presented at the hearing, enter an order
19 concerning:
20 (1) whether a small claims court ~~division~~ shall be established or
21 abolished in the township if the township has a population of less
22 than fifteen thousand (15,000) persons;
23 (2) whether the small claims court ~~division~~, if any, shall function
24 full time or part time;
25 (3) the location of the small claims court ~~division~~ courtroom and
26 offices under IC 33-34-6-1; and
27 (4) other relevant matters.
28 SECTION 4. IC 33-34-2-1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A judge shall be
30 elected at the general election every four (4) years by the registered
31 voters residing within the township in which the ~~division of the~~ small

1 claims court is located.

2 SECTION 5. IC 33-34-5-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) If a judge is
4 unable to preside over the judge's ~~division of the~~ small claims court
5 during any number of days, the judge may appoint in writing a person
6 qualified to be a small claims judge under IC 33-34-2-2 to preside in
7 place of the judge.

8 (b) The written appointment shall be entered on the order book or
9 record of the circuit court. The appointee shall, after taking the oath
10 prescribed for the judges, conduct the business of the ~~division~~ **small**
11 **claims court** subject to the same rules and regulations as judges and
12 has the same authority during the continuance of the appointee's
13 appointment.

14 (c) The appointee is entitled to the same compensation from the
15 township trustee as accruable to the small claims judge in whose place
16 the appointee is serving.

17 SECTION 6. IC 33-34-5-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A judge absent
19 from the bench for more than thirty (30) days shall deposit the dockets,
20 books, and papers of the office with the:

- 21 (1) small claims judge of another ~~division~~ **township**; or
22 (2) circuit court;
23 as directed by the circuit court judge.

24 (b) A:
25 (1) judge with whom the docket of another judge is deposited
26 during a vacancy or an absence; and
27 (2) successor of any judge who has the dockets of the successor's
28 predecessor in the successor's possession;
29 may perform all duties that the judge might do legally in relation to the
30 judge's own dockets.

31 (c) Process shall be returned to the judge who has the legal custody
32 of the docket at the day of return.

33 SECTION 7. IC 33-34-6-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The township trustee
35 shall provide a courtroom ~~for each division~~ and an office for each judge
36 in a convenient location within the township that has:

- 37 (1) adequate access;
38 (2) sufficient parking facilities;
39 (3) a separate and appropriate courtroom;
40 (4) proper space and facilities for the bailiff, clerks, and other
41 employees; and
42 (5) enough room for files and supplies.

43 SECTION 8. IC 33-34-6-2 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A township shall:

- 45 (1) furnish all:
46 (A) supplies, including all blanks, forms, stationery, and
47 papers of every kind, required for use in all cases in the
48 township ~~division of the~~ small claims court; and
49 (B) furniture, books, and other necessary equipment and
50 supplies; and

- 1 (2) provide for all necessary maintenance and upkeep of the
 - 2 facilities where court is held."
 - 3 Page 2, line 15, strike "County" and insert "**Township of**
 - 4 **Marion County**".
 - 5 Page 2, line 16, strike "_____ Division".
 - 6 Page 2, line 16, strike "county and".
 - 7 Page 2, line 41, after "deposited" insert "**monthly**".
 - 8 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1158 as printed February 24, 2006.)

Senator YOUNG R MICHAEL